

## **Ministerial Resolution No. (47) of 2022**

### **Regarding**

### **The Settlement of Labor Disputes and Complaints Procedures**

#### **His Excellency the Minister of Human Resources and Emiratization:**

- Having reviewed the Federal Law No. (1) of 1972 regarding the duties of the Ministers and powers of the Ministers, and its amendments; and
- Federal Decree-Law No. (33) of 2021 regulating labor relations; and
- Cabinet Resolution No. (21) of 2020 regarding fees for services provided by the Ministry of Human Resources and Emiratization; and
- Cabinet Resolution No. (1) of 2022 regarding the executive regulations of Federal Decree-Law No. 33 of 2021 regarding the regulation of labor relations

#### **Has resolved:**

#### **Article (1)**

#### **Individual Labor Complaints**

Subject to the provisions of Article No. (54) Of the aforementioned Decree-Law No. (33) of 2021, the employer and the worker have the right to file a labor complaint within thirty (30) days should either of them fail to fulfil his obligations stated in the employment contract or breach the provisions of the Decree-Law concerning the Regulation of Labor Relations and its executive regulations and decisions issued in implementation thereof.

#### **Article (2)**

#### **Settlement of Disputes**

The Ministry shall take all necessary action to settle individual labor complaints within a period not exceeding fourteen (14) days from the date of the submission of the complaint. If an amicable settlement is not reached, the dispute will be referred to the concerned Labour court.

#### **Article (3)**

#### **Obligations of the worker whose complaint is referred to court**

1. Pursuant to the text of Article No. (31) Of the Executive Regulations of Federal Decree-Law No. (33) of 2021 concerning the Regulation of Labor Relations, every worker whose labor complaint has been referred to the Labour Court must abide by the following:
  - a) Register the labor complaint with the competent court within a maximum period of fourteen (14) days from the date of approving the referral to the judiciary;

- b) Refrain from working for another employer without obtaining a temporary work permit from the Ministry;
- c) Submit a request to cancel the original work permit within fourteen (14) days from the date of issuance of the final judgment in the labor lawsuit, in the event of termination of the work relationship between the two parties;
- d) The worker may apply for a temporary work permit with a new employer during the process of the labour case; an exception to this is the worker who has been reported absent by his / her employer by filing an "unexpected work abandonment Report".

#### **Article (4)**

##### **Controls for Cancellation of a Work Permit after Referral to the Labor Court**

1. Without prejudice to the provisions of Article No. (3) Hereof, in cases where the labour complaint leads to the worker's cessation of work, his / her work permit will be cancelled after 6 months from the date of referring the complaint to the labour court.
2. Regarding complaints referred to the judiciary prior to the issuance of this decree, the period referred to in Paragraph (1) of this Article shall be calculated from the date of issuance of the decree herein.

#### **Article (5)**

##### **Cancellation Request**

1. Based on a complaint by the worker requesting the cancellation of his / her work permit, without the consent of the employer, the following actions must be taken:
  - a) In the event that the Ministry finds that the worker is registered with a fictitious employer or establishment, the cancellation procedures shall be completed according to the worker's request with taking legal action against the worker and the employer.
  - b) If the Ministry is unable to reach the employer within five (5) working days from the date of registering the worker's complaint, or in the event that the employer responds and requests an additional period to resolve the complaint, the period is extended by an additional five (5) working days. The cancellation procedures will then be completed upon the worker's request unless the employer provides evidence that the worker is under investigation by the competent authorities for a crime related to his / her work.

- c) In cases where the work permit is cancelled by the Ministry, the worker is obligated to change his / her residency status within the specified period, in accordance with the applicable legislation in this regard.
  - d) Any fines due (if any) for the delay in issuing or renewing the work permit shall be transferred to the establishment's file.
2. The Ministry may postpone the decision on cancellation of the work permit without referring to the employer or the worker in the event of a labour case being discussed before the court until the validity of the claim is confirmed in the following cases:
- a. If the employer claims that the worker abandoned the job although the employer did not violate the worker' rights during the probation period
  - b. If the unexpected absence report filed by the employer is found to be accurate.
  - c. If the worker failed to fulfil his contractual obligations.

### **Article (6)**

#### **Registration of Unexpected Work Abandonment (UWA) Absconding Report**

Subject to the provisions of Article No. (28) of the Executive Regulations of Federal Decree-Law No. (33) of 2021, the employer may register an unexpected work abandonment complaint against a worker who absents him/herself without lawful reason for more than 7 consecutive days, provided that the employer is not aware of the worker's whereabouts and is unable to communicate with him/her. The complaint shall be registered in accordance with the procedures manual issued by the Undersecretary for Human Resources Affairs.

### **Article (7)**

#### **Cancellation of Unexpected Work Abandonment Report**

The Ministry may cancel the **unexpected work abandonment** complaint at the request of one or both parties to the relationship in the following cases:

1. If it is proven that seven (7) consecutive days have not passed since the last working day or from the end of the leave or in cases of absence due to legitimate reasons.
2. If it is proven that the worker is present at the workplace, or if the worker was on a legally prescribed leave, whether the employer is aware of that or not at the time of registering the complaint.
3. With the consent of the employer to restore the labor relationship, provided that the establishment do exist and the employer undertakes to pay the fines due (if any) for not issuing or renewing the work permit.
- 4.
5. If the cessation of work is pursuant to an agreement between the worker and the employer to terminate the employment relationship, or if the employer allows the worker to cease work or to search for another job opportunity.

6. If there is a legitimate reason for not reporting to work or any other reason in which the complaint is proven to be invalid.

### **Article (8)**

#### **Labour Ban for One Year**

Subject to the provisions of Articles (9) and (50) of Federal Decree-Law No. (33) of 2021 and Article (28) of its Executive Regulations, a worker whose work relationship has ended for the reasons set out below shall not be granted a work permit before the lapse of one year from the date of his/her departure:

1. If the worker decides to terminate the contractual relationship during the probation period, provided that the employer is not in breach of his / her contractual obligations.
2. If it is proven that the work abandonment report found to be true.

### **Article (9)**

#### **Collective Labor Disputes**

Subject to the provisions of Article No. (32) of Federal Decree-Law No. (33) of 2021 and Article (28) of its Executive Regulations, in the event of a work dispute between a group of no less than one hundred (100) workers and the employer/s, the workers and employers must register a collective labor dispute complaint through the channels specified by the Ministry.

### **Article (10)**

#### **Settlement of Collective Labor Disputes Procedures**

Workers must choose no less than three (3) and no more than five (5) individuals among them to represent them in the collective dispute. The competent department at the Ministry shall settle the dispute amicably within a maximum period of 30 days from the date of registration of the dispute. The concerned authority may summon any of the parties or concerned individuals to the dispute to discuss the subject matter of the dispute. The competent department may request access to documents, records and other evidence, and shall be granted the right to access the establishment to conduct the required investigation. In the event of reaching an amicable settlement, minutes must be recorded regarding what was agreed upon and must be signed by the employer or his representative and workers' representatives. Settlement may also be conducted through approved electronic channels. In all cases, the period for executing the settlement should not exceed ninety (90) days from the date of the settlement record.

### **Article (11)**

#### **Referral of Collective Labour Disputes**

For any reason, if, the Collective Labour Dispute is not settled within the 30 days specified in Article No. (10) hereof, or if one of the parties to the dispute fails to appear for the settlement process before the Ministry, the dispute must be referred directly to the competent Collective Labor Dispute Committee, constituted in accordance with the Cabinet' decree in this regard. Minutes of the dispute, comments of the department and all other supportive documents, should be attached to the memorandum of reference.

### **Article (12)**

#### **Ministry Procedures during Collective Labour Disputes**

Subject to the provisions of Article No. (32) of the aforementioned Federal Decree-Law No. (33) of 2021, the Ministry may take the following actions at any stage of the Collective Labor Dispute and if the allegations of workers against the employer are found to be true:

1. Bank guarantees will be liquidated, and the sum insured coverage for workers will be disbursed without the need for the employer's consent.
2. Work permits will be cancelled without the need for the employer's consent, and the Ministry will notify the concerned authorities to complete the procedures for cancelling workers' residency allowing them to depart the country or adjust their residency status.
3. Address concerned entities to place a precautionary seizure on the establishment to ensure that workers dues and entitlements are met.
4. The establishment will be barred from issuing new work permits until the dispute is resolved.

### **Article (13)**

#### **Miscellaneous**

1. Subject to the provisions of Article No. (34) of the executive regulations of the Federal Decree-Law No. (33) of 2021, if the Ministry finds that the establishment has violated the rights of some workers during the consideration of individual complaints, then the Ministry may suspend the issuance of new work permits to the violating establishment for the period it deems necessary. The Ministry may take necessary measures or impose necessary precautions, as the case may be, to avoid an individual dispute from becoming a collective labor dispute that may be detrimental to the public interest.
2. The employer must ensure the validity and accuracy of information and data provided to the Ministry.
3. The employer is obligated to update the establishment information and details in the event of any changes.

### **Article (14)**

The Undersecretary for Human Resources Affairs shall issue a guide and required forms to implement the provisions of this resolution.

**Article (15)**

Any provision that is contrary or inconsistent with the provisions of this resolution shall be null and void.

**Article (16)**

This Resolution shall be published in the Official Gazette and shall come into force from the date of its issuance.

**Issued on the 4<sup>th</sup> of February 2022**

***Dr. Abdulrahman Abdul Mannan Al-Awar***  
**Minister of Human Resources and Emiratization**  
**(Seal and signature)**